

Disorder Feb 9/1966

Attorney Arthur Kinoy was undoubtedly disorderly at the House Un-American Activities Subcommittee hearing on Wednesday when he was yoked by a United States marshal, dragged from the hearing chamber and hustled down to the District jail. He was on his feet when the chairman of the HUAC Subcommittee told him to sit down; he was shouting; he was out of order. All of this afforded justification for Judge Greene's conclusion yesterday that he was guilty of disorderly conduct.

But an orderly lawyer would hardly have been of much use to his client at that HUAC hearing. The whole hearing was disorderly. Mr. Kinoy had an entirely proper and reasonable objection to make in behalf of the witness he was counseling; and he quite literally had no means of making it—which is to say no means of getting it on the record, let alone having it considered by the Subcommittee—short of shouting. If he was overzealous, there was some justification on his side, too. We hope that an appellate court will conclude that this was justification enough to reverse the conviction.

Judge Greene's decision was a triumph of a sort for HUAC—which has not hitherto enjoyed much success in the courts. But it is not likely to enhance esteem for the investigating process or for the dignity and prestige of the House of Representatives which permits so disorderly a proceeding to be conducted in its name.